

Menke Jackson Beyer, LLP
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Attorneys for Defendants

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON**

STATE OF WASHINGTON

Plaintiff,

vs.

CITY OF SUNNYSIDE, AL ESCALERA,
in his official and individual capacities,
MELISSA RIVAS, in her official and
individual capacities; CHRISTOPHER
SPARKS, in his official and individual
capacities; JOEY GLOSSEN, in his official
and individual capacities; and JAMES
RIVARD, in his official and individual
capacities

Defendants.

NO.

**NOTICE OF REMOVAL OF
ACTION; UNDER 28 U.S.C. §
1441, 1443 AND 1446**

(FEDERAL QUESTION)

**[From Yakima County
Superior Court Cause
No. 20-2-00411-39]**

JURY TRIAL DEMANDED

COMES NOW the Petitioners, City of Sunnyside, Al Escalera, Melissa Rivas, Christopher Sparks, Joey Glossen and James Rivard, by and through their undersigned attorneys of record, Kirk A. Ehlis of Menke Jackson Beyer, LLP, and hereby request that this matter be removed to Federal Court.

The basis of removal to Federal Court is 28 U.S.C. § 1441, 1443 and 1446.

NOTICE OF REMOVAL - 1

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In support of removal, petitioners allege as follows:

1. Petitioners are defendants in the above referenced action.

2. On or about February 5, 2020, the action was filed in Yakima County Superior Court under Cause No. 20-2-00411-39, and is now pending in such court. Copies of the state court summons and complaint filed with Yakima County Superior Court are attached to this petition as Exhibit "A".

3. As counsel for defendants I have filed a Notice of Appearance in Yakima County Superior Court. No further proceedings have been had in this action in Yakima County Superior Court, other than the filing of the Notice of Appearance on behalf of the petitioners. This additional pleading is attached hereto as Exhibit "B."

5. The above entitled action is a civil action for alleged Civil Rights violations pursuant to title 42 U.S.C. § 1983, the Fourteenth Amendment to the United States Constitution, and the federal Fair Housing Act.

6. This Court has original jurisdiction of the above-entitled action pursuant to 28 U.S.C. § 1331 and the action therefore may be removed to this Court pursuant to 28 U.S.C. §§ 1441 and 1443.

7. This petition is filed with this Court within thirty (30) days after petitioners' filing of the summons and complaint and defendants' notice of the same.

NOTICE OF REMOVAL - 2

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8. All the defendants have joined in and are agreeable to this Notice of Removal as evidenced by the signature of their counsel below.

WHEREFORE, petitioners request that the above-entitled action be removed from Yakima County Superior Court to this Court and that this matter be tried to a jury should it proceed to trial.

DATED this 6th day of February, 2020.

s/KIRK A. EHLIS (WSBA #22908)
Attorneys for all Defendants
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CERTIFICATE OF SERVICE

I hereby certify that on February 6, 2020, I electronically served the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

Mitchell A. Riese, WSBA # 11947

Mitchell.Riese@atg.wa.gov

Neal Luna, WSBA # 34085

Neal.Luna@atg.wa.gov.

and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

None